

REMARKS

Claims 13-19 are pending in this application, with Claims 13 and 18 being in independent form. Favorable reconsideration is requested.

Applicants note with appreciation the indication that Claims 14 and 16 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. Those claims have not been so rewritten because, for the reasons given below, their base claim is believed to be allowable.

Claims 13, 18 and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 20050174361 (*Kobayashi et al.*). In addition, Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kobayashi* in view of U.S. Patent 6,377,277 (Yamamoto), and Claim 17 was rejected under Section 103(a) as being unpatentable over *Kobayashi* in view of U.S. Patent Application Publication No. 20020171666 (Endo).

Applicants note, however, that *Kobayashi* is available as prior art only as of (at the earliest) its U.S. filing date, January 28, 2005, which is after the U.S. filing date of the present application. Accordingly, Applicants submit that *Kobayashi* is not prior art under 35 U.S.C. § 102(e) (or any other portion of Section 102), and therefore respectfully request withdrawal of the art rejections, all of which are based at least in part on that document.

Favorable reconsideration and early passage to issue of the present application are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Leonard P Diana/

Leonard P. Diana

Attorney for Applicants

Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO

30 Rockefeller Plaza

New York, New York 10112-3801

Facsimile: (212) 218-2200

FCIS_WS 2348332v2